

**To:** Sandoval, Joni[Sandoval.Joni@epa.gov]  
**Cc:** Way, Steven[way.steven@epa.gov]; Ostrander, David[Ostrander.David@epa.gov]; Mills, Bethany[Mills.Bethany@epa.gov]; Williams, Laura[williams.laura@epa.gov]; Myers, Craig[Myers.Craig@epa.gov]  
**From:** Braun, Richard  
**Sent:** Thur 9/24/2015 1:20:28 PM  
**Subject:** RE: EPS81302, Gold King Mine, Emergency Response Contractor Estimate for Testimony, Documentation, Legal Fees, etc.

Joni,

Please make initiation of this task order a priority. The vendor has been incurring costs since the beginning of GKM and has no way to invoice.

Richard Braun

EPA Region 8

Contracting Officer

303-312-6380

braun.richard@epa.gov

**From:** Braun, Richard  
**Sent:** Tuesday, September 15, 2015 11:24 AM  
**To:** Williams, Laura; Myers, Craig; Sandoval, Joni  
**Cc:** Way, Steven; Ostrander, David  
**Subject:** RE: EPS81302, Gold King Mine, Emergency Response Contractor Estimate for Testimony, Documentation, Legal Fees, etc.

Okay. Joni, please initiate the paperwork for a task order to pay for the costs. The costs include:

1. providing documentation as requested by Congress, OIG, EPA,
2. redacting and providing copies of contractual documents

3. testifying at Congressional Hearing. providing copies of documents

As you know, the vendor estimated about \$ 202K but that doesn't mean that they will get that much. We need a SOW that includes the above tasks. No IGCE is needed. I'm not sure if a QARF is needed – your call.

Thanks.

Richard Braun

EPA Region 8

Contracting Officer

303-312-6380

[braun.richard@epa.gov](mailto:braun.richard@epa.gov)

**From:** Williams, Laura

**Sent:** Tuesday, September 15, 2015 9:48 AM

**To:** Myers, Craig; Sandoval, Joni

**Cc:** Braun, Richard; Way, Steven; Ostrander, David

**Subject:** RE: EPS81302, Gold King Mine, Emergency Response Contractor Estimate for Testimony, Documentation, Legal Fees, etc.

I like that approach. It keeps the costs separate. - lw

**From:** Myers, Craig

**Sent:** Tuesday, September 15, 2015 9:35 AM

**To:** Sandoval, Joni

**Cc:** Braun, Richard; Williams, Laura; Way, Steven; Ostrander, David

**Subject:** Re: EPS81302, Gold King Mine, Emergency Response Contractor Estimate for Testimony, Documentation, Legal Fees, etc.

My opinion is that we do a new TO, and have the costs approved as Richard suggests.

Sent from my iPhone

On Sep 15, 2015, at 9:26 AM, Sandoval, Joni <[Sandoval.Joni@epa.gov](mailto:Sandoval.Joni@epa.gov)> wrote:

Craig/Steve,

These costs could be 200k or more from what I've been told. Where would you like ER to bill them to?

**From:** Braun, Richard

**Sent:** Tuesday, September 15, 2015 8:08 AM

**To:** Sandoval, Joni; Williams, Laura; Way, Steven

**Cc:** Ostrander, David

**Subject:** FW: EPS81302, Gold King Mine, Emergency Response Contractor Estimate for Testimony, Documentation, Legal Fees, etc.

**Importance:** High

Joni,

The Program needs to decide where the specific ODCs discussed below are to be charged. I know we started the discussion a week or two ago but I don't believe a final decision was made. There are 3 options: task order 51, 77, or a new task order. The contractor has incurred some big expenses and they want to invoice, so, please make this decision a priority.

Since these ODCs have to be determined reasonable and allocable and are not the normal type the OSC and program deal with, Sara McGraw (OGC HQ) and I are willing to help in the review. In fact, I would be willing to have the 1900-55s sent directly to me and I could coordinate the review and approval with Joni and Sara.

Let me know your thoughts. Thx.

Richard Braun

EPA Region 8

Contracting Officer

303-312-6380

[braun.richard@epa.gov](mailto:braun.richard@epa.gov)

**From:** Braun, Richard

**Sent:** Tuesday, September 15, 2015 7:42 AM

**To:** Ward, W. Robert; Gleason, Michael

**Cc:** Bielenberg, Ben; Land, Kelcey; Mills, Bethany; Boydston, Michael; Houston, Maria; Ostrander, David; laura williams; joni sandoval; McGraw, Sara

**Subject:** RE: EPS81302, Gold King Mine, Emergency Response Contractor Estimate for Testimony, Documentation, Legal Fees, etc.

All,

Just a quick correction and update to the email below. First the correction, ER LLC has only been asked to testify before the House once, not twice.

Update: Sara McGraw reviewed the contract and concluded that we can pay for the vendor's testimony before the House and costs associated with that; however, the costs must be reasonable and allocable.

Richard Braun

EPA Region 8

Contracting Officer

303-312-6380

[braun.richard@epa.gov](mailto:braun.richard@epa.gov)

**From:** Braun, Richard

**Sent:** Thursday, September 03, 2015 3:11 PM

**To:** Ward, W. Robert; Gleason, Michael

**Cc:** Bielenberg, Ben; Land, Kelcey; Mills, Bethany; Boydston, Michael; Houston, Maria; Ostrander, David; laura williams; joni sandoval

**Subject:** EPS81302, Gold King Mine, Emergency Response Contractor Estimate for Testimony, Documentation, Legal Fees, etc.

Bob, Michael, et al,

As many of you know, our ERRS contractor, ER LLC, has been tasked to testify before two different House Committees and has been asked to provide numerous documents to the House Committees and our Agency. I asked ER to estimate their expenses and the reply is below. Note, it does not include the estimated costs for the second hearing before the House. Since our contract is set up to pay the vendor on a time and material basis, I believe we are on the hook for some of the expenses (probably the documentation and travel, time, and per diem to testify). But I am not sure about others such as legal fees in preparation for the testimony etc. Therefore, I am requesting a legal review of the contract terms to help make that determination. Please direct me to the appropriate lawyer for this task. In the past we have used Michael Gleason and/ or Sara McGraw at HQ. Thank you.

Richard Braun

EPA Region 8

Contracting Officer

303-312-6380

[braun.richard@epa.gov](mailto:braun.richard@epa.gov)

**From:** Marilyn Smith [<mailto:m.smith@erllc.com>]  
**Sent:** Thursday, September 03, 2015 1:48 PM  
**To:** Braun, Richard  
**Subject:** EPS81302 - Estimate

Richard:

The estimated costs in support of the first hearing for the House Committee on Science, Space & Technology is \$202,000.00.

This encompasses legal/consulting fees, ER personnel time to redact documents as requested by EPA and the House Committee, ER personnel time for the preparation of the hearing, travel, lodging and per diem of ER personnel to attend the hearing.

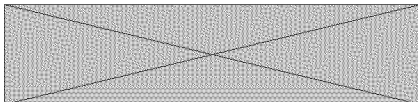
Marilyn

*Marilyn Smith*

*Program Manager*

Environmental Restoration LLC

<http://www.erllc.com/>



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